

SECOND REGULAR SESSION

SENATE BILL NO. 1046

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time January 29, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4744S.01I

AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to employment at-will.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 290, RSMo, is amended by adding thereto one new
2 section, to be known as section 290.595, to read as follows:

290.595. 1. As used in this section, the term "proper authorities"
2 **shall mean public authorities or authorities of the employer, but shall**
3 **not include any individual who engaged in the reported illegal conduct.**

4 **2. The at-will employment doctrine shall not control when the**
5 **elements of a whistle-blower cause of action are established. A whistle-**
6 **blower cause of action for wrongful discharge in violation of public**
7 **policy is established if an employee proves by a preponderance of the**
8 **evidence that:**

9 **(1) The employee reported to a proper authority conduct that the**
10 **employee had a good faith and reasonable belief violated a statute,**
11 **constitutional provision, or regulation and a clearly mandated public**
12 **policy;**

13 **(2) The employee was discharged; and**

14 **(3) The employee's report to a proper authority was the exclusive**
15 **factor in the discharge.**

16 **3. The at-will employment doctrine shall not control when the**
17 **elements of a refusal to commit an illegal act cause of action are**
18 **established. A refusal to commit an illegal act cause of action for**
19 **wrongful discharge in violation of public policy is established if an**
20 **employee proves by a preponderance of the evidence that:**

21 **(1) The employer directed the employee to perform conduct that**

22 the employee had a good faith and reasonable belief would, if
23 completed, violate a statute, constitutional provision, or regulation and
24 a clearly mandated public policy;

25 (2) The employee specifically refused to perform the unlawful
26 act;

27 (3) The employee was discharged; and

28 (4) The employee's refusal to perform the unlawful act was the
29 exclusive factor in the discharge.

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Unofficial

Bill

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